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CALEA STANDARDS

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GENERAL CONSIDERATIONS & GUIDELINES

The primary purpose of traffic law enforcement is to reduce the amount of traffic collisions through vigorous attempts at controlling violations that could cause these collisions. This action is generally achieved by Patrol in the utilization of visibility factors during preventive patrol and by a uniform, active enforcement program.

Uniformity means that guidelines must be established in order to inform officers of the usual expectations of the Department and the community with regard to handling violations. The purpose of this policy is to ensure that the enforcement policies of this Department are commensurate with applicable law, that they take into consideration the degree and severity of the violation committed, that the qualitative and quantitative emphasis are equally integral to the overall program and the activity is conducted in a safe and efficient manner.

Quantity of enforcement measures should not be construed to mean quotas. This Department does not have a quota system. However, all officers conducting traffic enforcement activities and in the regular performance of their duties shall be expected, whenever possible, to take action against violators and to govern the degree of that action according to the severity of the violation. The non-punitive actions of verbal or written warnings should be substituted for legal arrests and punitive citations when the circumstances warrant, especially in cases of inadvertent violations. Warnings and visible

patrol, coupled with intensive public education, should be used as much as possible and punitive enforcement should be used only to the extent necessary.

PROCEDURES

- I.** Any officer who observes or discovers (upon investigation) a traffic violation shall take one of the following courses of action: **61.1.2; 61.1.5 (J,I)**

- A. PHYSICAL ARREST:** Arrests for motor vehicle violations may only be made in accordance with **Chapter 90 Section 21** of the Massachusetts General Laws for: **61.1.5**

1. Operating a Motor Vehicle while Under the Influence of Intoxicating Liquor or Drugs, etc.; **(J)**
2. Operating a Motor Vehicle After Suspension or Revocation of a driver's license; **(I)**
3. The provisions of Chapter 90 Section 25, generally denoted as Refusal To Obey a Police Officer;
4. Leaving the Scene of a Motor Vehicle Collision (personal injury);
5. Using a Motor Vehicle without the Authority of the Owner.
6. Reckless/Aggressive driving violations may rise to arrest. **(K)**

There are also two non-motor vehicle laws/offenses for which a police officer may arrest. They are;

1. C138 S34C: Minor Transporting Alcoholic Beverages in a vehicle;
2. C266 S28: Stealing, Possessing or Concealing a Stolen Motor Vehicle

Upon making a legal arrest for any motor vehicle violation, all officers shall follow established procedures for inventorying, transporting, searching and booking. In addition, a citation will be issued where appropriate and according to law.

- B. WRITTEN COMPLAINT CITATIONS:** These are the backbone of police traffic enforcement efforts. An officer's discretion plays a big part in the decision to take punitive action against a violator. **41.4.5** However, this discretion should be based on a combination of experience, training and common sense. Naturally, serious offenses, such as Operating to Endanger, excessive speed, multiple violations and other offenses, will likely result in a written complaint. Further, a complaint is always issued in conjunction with a legal arrest for motor vehicle violations. The action officers should avoid is the issuance of a complaint for violations based on anger, retribution or prejudice. It is important to remember that issuing complaint citations is merely another portion of the education process necessary to reduce collisions. A lesson is seldom learned from the unwarranted action of a police officer.

- C. WRITTEN WARNING CITATIONS:** These should be used in borderline cases after considering facts such as the seriousness of the offense, time of day, traffic and vehicle congestion, visibility, weather conditions and prior violation(s). If used properly, warnings can effectively be used as a means of educating the public in the area of safe driving and because it involves less emotional stress, it is also considered to be an effective public relations tool. However, the excessive use of warnings, especially if the public generally knows it, should be avoided because it creates an unsafe feeling and lack of commitment by the police department within the community. A written warning should usually be used instead of a verbal warning because it exerts a more effective influence on the driver and aids in recording the incident for guidance in disposing of future violations.
- D. VERBAL WARNINGS:** An officer will generally give a verbal warning to those violators that he/she feels has sufficiently learned from being stopped and has taken responsibility for the violation. Verbal warnings are a frequent action of an officer.

II. STOPPING THE TRAFFIC VIOLATOR: 61.1.7 A,B Every contact between an officer and a traffic violator or a criminal carries with it the potential for violence or injury. Tactical procedures have been developed to minimize the hazards and maximize the effectiveness. The advantages that these procedures provide for an officer should not be ignored or rejected because a motor vehicle stop appears to be routine. There is no such thing as a routine stop or arrest.

All situations are individual enough to call for some modification of procedures. Regardless of the manner in which procedures vary, they must be based upon the need to exercise sound judgment with full regard for the safety of the public, the officer and the violator. **(A)** Public policy demands that a violator be apprehended as safely and quickly as possible. The fact that an officer is operating a police vehicle in pursuit of a traffic violator, however, does not give that officer license to endanger the lives of others simply for the sake of a more rapid apprehension.

When a violation has been observed and the decision to stop a violator made, the emergency lights are activated to alert the violator and other motorists. The siren - a valuable psychological tool for apprehending suspected felons as well as a valuable asset when responding to emergency calls is seldom necessary for a traffic stop. Some drivers may react too quickly or without enough care when they hear the siren. The excessive use of the siren may cause some persons to become confused and unable to follow directions.

Often the officer will not have to leave his traffic lane to inform the violator to stop. When driving behind the violator, leave enough space to compensate for the speed of travel, traffic and road conditions. The violator's attention can be obtained by sounding the electronic horn and by utilizing the wigwags. Alertness must be maintained to avoid a collision in the event the violator makes an abrupt stop.

In attempting to notify a moving violator to curb and park the vehicle, the efforts of the officer should begin with the simplest and safest and progress to the more complex and hazardous maneuvers when the lesser efforts fail. For example, the pursuing officer will first attempt to inform the violator to stop simply by driving behind, tapping the horn(s) and motioning the operator with his hand towards the curb or shoulder of the road. If the violator fails to respond to this technique, the officer would then use the siren instead of the horn.

Enough space must be maintained between the two vehicles to avoid any contact due to swerving. From this position, the officer can observe the driver for possible identification and check the vehicle for any suspicious action. Officers should sound the horn(s) and if this fails, sound the siren to attract the violator's attention. The violator should then be motioned to a pullover location.

When enforcement action is to take place on a divided highway, the officer's problems are aggravated by the high speeds involved. Perhaps the most common problem on such roadways is that of having to direct the violator from the left lane to the right lane or shoulder. This problem involves not only attracting the attention of the motorist but also of escorting safely to the right without endangering the safety of the other motorists.

In this situation, the police car, with emergency lights in operation, is driven behind the violator's vehicle. The driver's attention is obtained by sounding the horn(s) and motioning to the right in the direction of the desired stopping place. After the attention of the motorist is obtained, the officer, still behind the violator, cautiously directs and guides the motorist from lane to lane, signaling and warning the trailing traffic of every move. The success and safety of this maneuver is dependent on the gradual and careful move to the right side of the roadway.

In any case, the officer must direct the violator to stop the vehicle in a satisfactory location. In congested areas, any vacant location along the curb may be used. Bus stops, loading zones and the like may have to be used to avoid blocking traffic on a narrow or crowded street. At night, well-lighted stopping sites should be selected, when possible.

The police car should be stopped about 8 to 10 feet to the rear and about 3 feet to the left of the violator's vehicle. The offset position affords a safety zone or lane for the officer when he leaves his car to confront the driver. If the stop occurs on a divided highway, both vehicles should be parked on the right shoulder, well out of the path of moving traffic. The emergency lights should remain in operation during the entire stop to warn approaching motorists of a hazard in or near their path of travel.

Before leaving the police vehicle to address the operator, the officer should notify Dispatch of the location, make and type of vehicle, and the registration number. He/she should also watch the occupants for any unusual movement or change in seating position.

The violator's vehicle should be approached from the left rear, always remaining alert for any suspicious movement. Observe the trunk lid for movement and look through the rear window, checking the back seat and interior. If it is occupied, the passengers must be kept in view at all times. The officer should never turn his/her back on the violator or the occupants. The officer should station himself/herself slightly to the rear of the driver's door while speaking to the violator. This method allows better observation of back seat passengers and eliminates the door becoming an obstruction should the violator try to escape. However, officers should make sure that they can observe the violator's hands at all times.

61.1.7A,B

Some situations, such as a suspected intoxicated driver, may call for the violator being directed to step out of the vehicle. (OUI Policy #76). Under no circumstances should the officer or violator walk between the two vehicles.

Often a violator will exit his/her vehicle immediately upon being stopped and will begin to walk back toward the police vehicle. When this happens, the officer should immediately exit the police vehicle, keeping the open door between himself/herself and the violator and firmly direct the person to return to his/her vehicle, evaluate the scene and/or use the public address system. If necessary, the officer will briefly explain that this procedure is being done for safety purposes.

If the police vehicle making the stop is a two-officer unit, the operator uses the same method of approach as a one-officer unit. The second officer will approach from the right side making careful observation of all activity in the violator's vehicle. He/she shall assume a position that will not put the two officers in the same line of fire should use of force become necessary.

III. HANDLING HIGH-RISK OR FELONY MOTOR VEHICLE STOPS: If the vehicle the officer is attempting to stop has been involved in a felony or is suspected of being involved in a felony, it is recommended that the officer refrain from making the motor vehicle stop until a back-up unit is available, if at all possible. **61.1.7 B**

- A. **OBSERVING CONSTITUTIONAL SAFEGUARDS:** While engaged in what would be considered a high-risk stop or "felony" stop, all officers shall be guided by Department, State, and Constitutional guidelines on Deadly Force, Pursuit, and Search/Seizure issues.
- B. **WAITING FOR BACK-UP ASSISTANCE:** An officer who believes that he/she may be engaging in either a high-risk stop or "felony" stop should wait for back-up officers to arrive before taking any action beyond the motor vehicle stop. This safeguard is especially critical if the officer believes that he/she may be engaging in a potential arrest situation.
- C. **MAINTAINING SUFFICIENT COVER:** Extreme caution should be exercised if the officer decides to approach the suspect vehicle or if the officer

intends on issuing commands for the suspects to exit the vehicle. Officers should be maintaining appropriate protective cover at all times.

- D. **VERBAL COMMANDS:** Verbal commands to the suspect(s) shall be made by one officer to direct the control of any suspects. The officer's objective is to have the suspects exit the vehicle one at a time at the officer's command, and thereby maintaining control of the movement of the subjects. The subjects should be directed by the officer issuing the commands into a safe position before approaching the suspect and placing the suspect under arrest.
- E. **OFFICER SAFETY:** Officer Safety is paramount in any situation and consideration should be made to temporarily retreat from a lethal confrontation, for the officer's protection and that of innocent citizens.

IV. HANDLING THE TRAFFIC VIOLATOR: 61.1.7 A; 61.1.8 The key to proper handling of any traffic violator is the professional attitude displayed by the officer making the stop. Before discussing what should constitute an officer's professional attitude, it is necessary to have some psychological understanding of the mindset of the violator.

Persons who violate the traffic laws represent a cross-section of the society. As such, they share a common dislike for admitting their own failings. It is a rare person who can look upon a traffic citation as being solely the end result of his/her own improper behavior. Most people, to shield themselves from a realistic evaluation of themselves, will unconsciously attribute their own mistakes and faults to someone or something else.

To protect themselves from the reality of their own shortcomings, some violators think of the police officer as being unfair, arbitrary and undesirable. If they express these feelings, it is important that the officer refrain from returning comments.

The primary lesson here is that officers must expect to encounter reactions from a violator based on emotions rather than upon logic or reason. Realizing this, the officer must discipline himself/herself to maintain calm and professional regardless of the provocation offered by the motorist.

To help avoid allowing emotions to dictate how an officer will handle a violator, it is best to make a decision on the course of action to be taken prior to confronting the violator. Thus, the decision will have been made based on the elements of the violation only. Obviously, this cannot be done in all cases (for instance, drunk drivers) but the method can be employed in a large majority of cases.

Once the decision has been made, the officer will approach the vehicle according to procedure. He/she should then greet the violator by saying, "Good Morning" (afternoon, etc.) and inform him/her that you observed him/her driving in violation of the law and specify the exact nature of the violation.

The immediate announcement of your observation will greatly reduce the need for prolonged debate and conversation.

The officer should then ask the operator for his/her driver's license and vehicle registration certificate. Upon receiving them, he/she should visually check their validity and return to the police vehicle for a further check through the dispatcher and write a citation, if that is the course chosen.

Upon returning to the violator, the officer should return the license and registration and if a citation has been written, present it to the violator with an explanation of its meaning including court appearance and appeal instructions.

61.1.7 A Officers will explain the instructions located on the backside of the ticket and if it is a written complaint, advise the violator to fully read the back of it themselves so they will understand what procedures they can follow. If possible, have the violator sign the citation.

The officer should advise the violator to use caution when returning to the traffic flow, return to his/her police vehicle and wait if possible until the violator has safely pulled out before shutting off emergency lights and resuming patrol.**61.1.7A**

Throughout this experience, the officer should avoid giving the violator the impression that he/she has committed a capital offense. The officer's appearance, attitude and speech should in no way belittle, berate or punish the violator. As difficult as it might be, the officer must remain courteous.

V. ENFORCEMENT PRACTICES: As mentioned previously, enforcement activities are normally performed on a routine basis or by selective enforcement methods. Officers are free, except during fixed-post radar or some other directed enforcement activity, to employ whichever of the following styles is most effective for the time and place of the situation:

- A. AREA PATROL:** Area patrol is self-explanatory. He/she either patrols from point to point in a designated sector or area or conducts stationary observations from one point to another. **61.1.6 A**
- B. COVERT OR OVERT STYLE:** Covert (hidden) or overt (open) styles are conducted from random points within a designated patrol area. However, covert observations should be restricted to locations that provide safe egress on to the roadway by the officer and are the least likely to create a hazardous situation for other motorists when pursuit of the violator commences. **61.1.6 B**

As a general rule, only marked patrol vehicles are to be used for traffic enforcement activity. Use of unmarked police vehicles for routine or directed traffic enforcement activity is strictly prohibited unless the vehicle is equipped with a siren and blue emergency lights that have been installed in such a manner as to make them visible to all motorists when

they are activated. Even then, use of such a properly equipped unmarked vehicle for routine or directed traffic enforcement activity must be cleared through a Shift Supervisor. **61.1.6 C**

Conversely, use of improperly equipped unmarked police vehicles or any private vehicles, is strictly forbidden during routine or directed traffic enforcement activity. However, if an officer observes a flagrant isolated violation while he is operating an unmarked police vehicle, it will be permissible to make the stop for the purpose of issuing a citation providing it can be accomplished in a safe, off-road manner without pursuit. Extreme caution in addition to having due regard for the safety of the violator and other motorists must be exercised in these situations.

- C. ROADSIDE SAFETY CHECKS:** Routine safety checks can be done on vehicles suspected of safety violations such as cracked windshields, loud exhausts, or lights out. **61.1.6 D**

VI. CERTAIN CATEGORIES OF MOTORISTS: (see also, Traffic Enforcement Special Considerations Policy)

- A. LEGISLATORS:** The Massachusetts Constitution (Part 2, Chap. 1. Sec.3, Article 10) stipulates that state legislators, while attending, going to, or returning from a session of their respective houses shall be exempt from physical arrest. However, citations may be issued as appropriate. **61.1.3 D**
- B. JUVENILES:** May be issued a citation for motor vehicle offenses that will be processed in the same manner as a citation issued to an adult. However, if a juvenile is legally arrested for a motor vehicle offense, he/she will be processed in a manner that is consistent with any other juvenile arrest and will be brought before the Juvenile Court. **61.1.3 B**
- C. OUT OF STATE MOTORIST:** Violations of any type shall be handled in the same manner as one committed by a resident of Massachusetts, with one exception. Out of state drivers may be arrested for operating in the Commonwealth without a license in possession. **61.1.3 A**
- D. ACTIVE-DUTY MILITARY PERSONNEL:** May operate military equipment only on an Armed Forces driver's license. They are not authorized to operate private vehicles on such a license nor are they authorized to operate private vehicles on an expired license, whether or not it is a Massachusetts issued license. However, this rule is waived when a member of the Armed Forces has returned from overseas duty within the previous 30 days and they have their military license on their person. **61.1.3 E**

The Registry has ruled that a member of the military whose license has expired in Massachusetts while stationed in the United States may obtain a

valid license from the state they are stationed in. Discretion is a key word in handling this type of incident.

- E. FOREIGN EMBASSY OR CONSULAR OFFICIALS:** By law, those individuals with proper credentials are exempt from any type of arrest. However, this does not preclude an officer from issuing a citation for a motor vehicle offense since this action does not constitute an arrest or detention. Whether the fine is paid or not is another matter. **61.1.3 (D)**

If the consular or embassy official is found to be operating under the influence, the primary consideration of the investigating officer is to see that the official is not a danger to himself/herself or to the general public. Based on a determination of the circumstances, the following options are available:

1. take the official to the police station or to another suitable location where he/she can recover sufficiently to operate a motor vehicle;
2. arrange for transportation;
3. take the official home if he/she resides locally; or,
4. call a taxi for the official.

Unless he/she is considered a danger to others or himself/herself they should not be physically restrained.

Under the best circumstances, this is an extremely sensitive situation. The official should be treated at all times with the utmost respect and courtesy and the officer must constantly impress upon the official that the primary responsibility is the care and safety of the official as well as others.

61.1.3D

- VII. MULTIPLE VIOLATIONS:** Whenever officers encounter situations whereby the possibility exists that three (3) violations could appear on a single citation, they should confer with the Shift Supervisor regarding the necessity of the multiple charges. **61.1.5 D**

- VIII. HAZARDOUS VIOLATIONS:** These instances, which include operating to endanger cases, should never be treated lightly by the investigating officer. Most of these incidents should, at a minimum, be dealt with by issuing a written complaint citation. In addition, public carrier and commercial vehicle violations regarding use of roadway and load restrictions shall be considered as hazardous. **61.1.5 E**

- VIX. DEFECTIVE EQUIPMENT VIOLATIONS/NON-MOVING:** There are occasions when officers prefer to issue a written warning instead of a written citation for defective equipment. Defective equipment violations may be utilized for the following offenses: **61.1.5 A,B**

1. broken or defective headlights and/or tail lights;
2. inoperable horns; and

3. broken number plate light.

The only exceptions will occur when a legal arrest results from the equipment violation stop. In these cases, a citation must be issued in order to justify the stop.

The uses of citations for multiple offenses which include defective equipment violations are permitted.

Officers shall retain discretion for either/or only on those defective equipment violations not listed above. **61.1.5 B**

- X. **APPRAISAL OF CHANGES AND ENACTMENT OF LAWS:** It shall be the responsibility of the Training Officer to apprise officers through the use of roll call, memos and in-service training of newly enacted or changes in motor vehicle laws and regulations. This appraisal shall include an interpretation if necessary, an opinion as to whether verbal or written warnings should be issued in lieu of complaints and/or arrests for a specified period of time to facilitate public awareness. **61.1.5 L**

- XI. **UNWITNESSED TRAFFIC VIOLATIONS: 61.1.5 F** Special circumstances arise when officers detect certain motor vehicle violations not committed in their presence, such as those revealed during the course of a collision investigation or reporting. When these situations occur, all officers of this Department shall be expected to take positive enforcement action that is consistent with established Department traffic enforcement policies and procedures (physical arrest, written complaint, written warning or verbal warning).

When taking this specific enforcement action, all officers shall realize that probable cause is established by obtaining the necessary elements of the violation through investigation. Probable cause is necessary because the alleged actions of the violator were un-witnessed by the officer. The investigation may include, but is not limited to:

- A. statements or admissions made by the alleged operator to the officer;
- B. statements of witnesses;
- C. collision scene investigations;
- D. physical evidence obtained; and,
- E. any observations by the officer before and after having established that the alleged violator was the operator.

In addition, a "Citizens Complaint Form" is available for citizens that feel aggrieved by an officer to forward to the department. This form will be forwarded to the Shift Supervisor. He/she will then forward it to a Lieutenant to determine if administrative action should be taken against the offending officer(s).

XII. HEARINGS FOR INCAPABLE/IMPAIRED OPERATORS: Officers who have occasion to be involved in any incident whereby the operator has displayed an obvious mental or physical incapability to safely operate that vehicle (or any other), in a manner consistent with motor vehicle rules, regulations and laws and whereby that mental or physical incapability does not appear to be of a temporary nature, the officer shall adhere to the following policy and procedure of the Department: **61.1.12**

- A. INVESTIGATING OFFICER:** File a complete written report detailing all information regarding the particular incident or any series of incidents. Include the names and addresses of any witnesses, copies of collision reports, citations and any other pertinent evidence. Most importantly, the report should contain a detailed description of the officer's personal observations of the subject's mental or physical state and a conclusion that recommends a hearing should be held to determine competency to operate. If an immediate threat is perceived it should be so-noted to expedite the hearing process using the prescribed Registry of Motor Vehicle form.
- B. SHIFT SUPERVISOR:** Assist the investigating officer with any additions, deletions, or corrections to the report or supporting evidence. Fully review the completed report, initial it and forward it to a Lieutenant for further review.
- C. LIEUTENANT:** Upon receipt of all reports on the incident, prepare and remit the Registry form with a brief explanation of the facts to the Chief of Police. This and any required support data and a formal request for a hearing will be forwarded to the Registry.
- E. REGISTRY OF MOTOR VEHICLES:** Hearing requests become an administrative matter for the Registry. Generally, this Department will not be required to present evidence.

XIII. OTHER ENFORCEMENT VIOLATIONS:

- A. SPEED VIOLATIONS:** Speed is one of the main causes of accidents. Officers shall take appropriate enforcement action for speeding violations. Officers shall use the verbal warning, written warning, and citation to have motorists voluntarily comply with traffic laws and regulations to ensure maximum reduction of accidents. Speeding citations should be a clearly convictable speed in court, and may to some extent depend on the location of the violation (congested area, downtown, school zone, etc.). **61.1.5 C**
 - 1. RADAR/LIDAR:** Officers using speed measuring devices (Radar) shall be fully trained and certified before being authorized to use such devices for traffic law enforcement. This training shall be coordinated through the department training supervisor, or his designee. Maintenance and calibration records of Radar units shall be kept by the Chiefs designee. **61.1.9 (4E)**

2. **PLACEMENT:** The placement of Radar equipment at fixed posts shall be determined through both selective enforcement data analysis and prior knowledge.
3. **USE OF SPEED MEASURING DEVICES IN TRAFFIC LAW ENFORCEMENT:** All members of this department shall adhere to the following guidelines which govern the use of speed measuring devices in traffic law enforcement:
 - a. **EQUIPMENT SPECIFICATIONS:** Members of this department shall use mobile or hand-held traffic Radar units. Specific information on these units may be found in the operator's manual which accompanied each unit. **61.1.9 (4A)**
 - b. **OPERATIONAL PROCEDURES:** The operational procedures for these units concerning (if applicable) stationary mode, moving mode, range control, interference, audio and squelch, tracking, and locking display readings shall be adhered to as provided in the operator's manual for this unit. **61.1.9 (4B)**
 - c. **PROPER CARE AND UPKEEP:** All officers using the Radar units are responsible for the proper care and upkeep of the unit(s) they use. Such care and upkeep shall be done in accordance with the directions given them during their original training in the use of the equipment. **61.1.9 (4C)**
 - d. **PROGRAMMED MAINTENANCE:** The Chief's designee shall schedule maintenance inspections of each Radar unit at least as often as the units are calibrated. A record of all maintenance on each Radar unit shall be maintained by the Chief's designee. **61.1.9 (4D)**
 - e. **MAINTENANCE AND CALIBRATION RECORDS:** Each Radar unit shall be calibrated at least once a year or sooner if needed. Each officer shall check the calibration of the Radar unit each time it is used during his tour of duty. **61.1.9 (4D)**
- B. **PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATION:** Particularly in the downtown area, consider the congestion, lack of parking, and the carrier's need for delivery access. Repetitive violators should be cited. **61.1.5 E**
- C. **OTHER NON-HAZARDOUS VIOLATIONS:** With other non-hazardous violations of law, ordinances, or regulations affecting the use or

protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians, consider warnings unless repetitive or flagrant. **61.1.5 H**

D. SPECIAL ENFORCEMENT: The primary responsibility for the enforcement of traffic laws and regulations rests with the patrol division and Mobile Operations Unit. However, all sworn officers, while on duty, shall take appropriate enforcement action for violations of traffic laws and regulations they observe.

1. BICYCLES AND PEDESTRIANS: In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience is low, officers should exercise discretion in the application of those laws regarding pedestrian safety and the safe operation of bicycles. Conversely, where congestion and the frequency of accident experience involving pedestrians and/or bicycles have been predominant, those laws pertaining to crosswalk safety and the safe operation of bicycles shall be enforced for necessary. Mass. Gen. Law, Chap. 85, Sec. 11B (and the Town of Canton By Law) regulates the use of bicycles, and Mass. Gen. Law, Chap. 90, Sec. 1B and 1C regulates the use of mopeds. **61.1.5 G,H**

2. RECREATIONAL AND SNOW VEHICLES: Officers shall take appropriate enforcement action against operators of off-road recreational vehicles (e.g., snowmobiles, dirt bikes, mini bikes) committing violations that are either observed by them or reported to them. All rules pertaining to Recreational and Snow Vehicles can be found in Mass. Gen. Law, Chap. 90B, Sec. 20-34 inclusive. **61.1.5 E**

XIV. DAILY SELECTIVE ENFORCEMENT LOG: Whenever any officer is assigned to selective enforcement through the Lieutenant's office, he/she shall complete a Daily Enforcement Log Sheet upon conclusion of that activity. The log will include the location of the assignment, the time of assignment, total stops made and the number of citations issued during the assignment period. The completed sheet will be forwarded to the Lieutenant's office. The purpose of this log is to assist in determining the effectiveness of selective enforcement programs.

XV. CALLING IN MOTOR VEHICLE STOPS: Given the dangers inherent in stopping motor vehicles and the need to maintain accurate activity data, it is necessary to have a clear policy on notifying communications when a motor vehicle is stopped by an officer for any reason.

A. ROUTINE PATROL: Any time an officer believes any stop should be entered into the CAD for safety or documentation reasons, the officer making the stop shall notify Dispatch that a stop is being made. Upon

acknowledgment by the dispatching officer, he/she will give the location of the stop, the type and make of vehicle and the plate number of the vehicle. When clearing the stop, the officer shall report so via radio.

B. SELECTIVE ENFORCEMENT OR FIXED RADAR POST: The officer shall notify Dispatch of the location of the radar post. It will then only be necessary to advise of the stop, wait for the acknowledgment and give the make, type, and plate number to the dispatcher. The officer shall also advise when he/she is clear of that particular stop and when he/she is clear from the location.

C. COMMUNICATIONS RESPONSIBILITIES: On any motor vehicle stop, whether during routine patrol or for selective enforcement, the dispatching officer acknowledging the radio message shall:

1. fill in the name of the officer making the stop, the time of the stop, the location of the stop, the make, plate number and type of vehicle stopped and the time cleared from the stop in CAD.
2. as a matter of routine, run a LEAPS listing/stolen on the vehicle as soon as possible after recording the initial stop in case the information is needed by the officer and/or to provide him/her with data that may influence the desirability of a back-up unit or other precautions.

XVI. RMV AFFIDAVIT FOR SUSPENSION OR REVOCATION: Whenever any operator is cited for Operating after Suspension or Revocation, the officer issuing the citation shall print out a Registry of Motor Vehicles affidavit and place it with the citation.

XVII. RMV REQUEST FOR IMMEDIATE THREAT/LICENSE RE-EXAMINATION: The following is the procedures for officers to follow in identification and referral of drivers recommended for reexamination by the Registry of Motor Vehicles. A 'Request for Immediate Threat License Suspension/Revocation form must be filled out when an officer believes that a licensed operator has committed a violation of the motor vehicle laws of nature that would give you reason to believe that his/her continued operation will be so seriously improper as to constitute him/her an immediate threat to the public safety. This form must be filled out in completion and signed by the Chief of Police. After completion, the form is to be faxed to the Massachusetts Department of Transportation (MassDOT) Registry of Motor Vehicles (857) 368-0013. The registry will review the facts and make a determination. **6.1.12**

XVIII. RMV NOTIFICATION RE: MV HOMICIDE CITATIONS: Chapter 90 Section 29 requires, "the police department having jurisdiction over the place or way where such collision occurred, shall notify the Registrar of Motor Vehicles forthwith of any fatal collision or collision involving serious injury."

The Registrar is mandated by Section 29 to immediately suspend the license or right to operate of a person operating a vehicle in a fatal collision, unless preliminary investigation indicates that the operator may not have been at fault. The Registrar is also authorized under Section 22A to suspend immediately when he has reason to believe that continued operation by the person involved in a serious collision would pose an immediate threat to public safety

In order to facilitate our mutual responsibilities in this area, whenever an operator is cited by an officer of this Department for violation of either Chapter 90 Section 24G (Motor Vehicle Homicide) or Chapter 90 Section 24L (Serious Injury), it shall be the responsibility of the officer investigating (upon completion of the reports) to leave copies with the Detective Bureau so they can be faxed to the Registry.

XVIV. PARKING CONTROL: Parking regulations shall be enforced with reasonableness and impartiality in all areas of the town.

- A. Parking control activities are essential to the safe and efficient movement of vehicles.
- B. The Board of Selectmen is responsible for implementing the parking control regulations.

XVV. PARKING ENFORCEMENT:

- A. **ENFORCEMENT - SEASONAL VARIANCE:** Officers must be aware that parking problems within the Town of Canton vary as the seasons change. During the winter months, enforcement efforts are directed at educating the public to park where overnight parking is permitted, which allows ample room for snow plowing, necessary to ensure safe passage of fire, ambulance, and police vehicles. As the summer months approach, enforcement efforts change. Officers should direct their attention to violations which are hazardous to the public welfare and appropriate for summer enforcement, such as:

- 1. Wrong direction parking
- 2. Within ten (10) feet of a hydrant
- 3. Double parking
- 4. Parking on crosswalk
- 5. Handicap parking

- B. **PARKING ON SIDEWALK VIOLATIONS:** Violations for parking on the sidewalk are a concern for both the police and the public. Any violations of parking on the sidewalk where there are formally constructed sidewalks should be strictly enforced **61.1.1**

